

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: BRUNO PALIOTTA BK NO.: 1:09-bk-10919
Debtor
ANNA A. PALIOTTA
Joint Debtor

OBJECTION TO AFFIDAVIT OF NON-COMPLIANCE

Debtors and co-debtor, by their attorney, object to the affidavit of non-compliance as follows:

1. On information and belief, DLJ Mortgage Capital, Inc. is not the holder of the note or the mortgage.
2. The Movant is not the holder of an endorsed note and is not entitled to foreclose on the property.
3. The Movant is not the real party in interest and lacks standing to file this motion.
4. On information and belief, a new loan servicer, Kondaur Capital Corporation, claims to have taken over the servicing of the loan.

Wherefore Debtors and Co-Debtor object to the affidavit of non-compliance and request discovery and an evidentiary hearing.

October 11, 2010

BRUNO PALIOTTA
ANNA A. PALIOTTA
GIUSEPPE PALIOTTA
By their Attorney

/s/ John B. Ennis
JOHN B. ENNIS, ESQ. #2135
1200 Reservoir Avenue
Cranston, Rhode Island 02920
(401) 943-9230

CERTIFICATION

I hereby certify that I mailed a copy of the above to Objection to Affidavit of Noncompliance to the following electronically or by regular mail, postage prepaid on this 11th day of October, 2010.

John Boyajian, Esq.
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/s/ John B. Ennis, Esq.